

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

ESTATE OF ANTONIO GONZALES, et al.,

Case No.: 21-CV-848-LA

Plaintiffs,

v.

JOSEPH ANTHONY MENSAH, et al.,

Defendants.

ESTATE OF JAY ANDERSON, JR., et al.,

Case No.: 21-CV-1179-LA

Plaintiffs,

v.

JOSEPH ANTHONY MENSAH, et al.,

Defendants.

ESTATE OF ALVIN COLE, et al.,

Case No.: 22-CV 856-LA

Plaintiffs,

v.

JOSEPH ANTHONY MENSAH, et al.,

Defendants.

**DECLARATION OF KIMBERLEY CY. MOTLEY IN OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
AS TO THE ESTATE OF ALVIN COLE CASE (22-CV-856)**

Pursuant to 28 U.S.C. § 1746, the undersigned, Kimberley Cy. Motley, makes the following statements under penalty of perjury under the laws of the United States.¹

¹ Exhibits in support of the Brief in Opposition to Summary Judgment start from Exhibit 16. Three cases are

1. I am an attorney duly licensed to practice law in the State of Wisconsin.
2. I represent Plaintiff Estate of Alvin Cole in the above-captioned case.
3. This Declaration is made in support of statements and representations made in Plaintiff's Brief, which is being filed on August 22, 2023.
4. Attached hereto and incorporated herein as **Exhibit 16** to this Declaration is the complete transcript of the June 26, 2023 deposition of Joseph Mensah in the Estate of Alvin Cole case.
5. Attached hereto and incorporated herein as **Exhibit 17** to this Declaration is the complete transcript of the July 7, 2023 deposition of Barry Weber in the Estate of Alvin Cole case.
6. Attached hereto and incorporated herein as **Exhibit 18** to this Declaration is the complete transcript of the June 27, 2023 deposition of Dexter Schleis in the Estate of Alvin Cole case.
7. Attached hereto and incorporated herein as **Exhibit 19** to this Declaration is the complete transcript of the June 6, 2023 deposition of Jeffrey Farina.
8. Attached hereto and incorporated herein as **Exhibit 20** to this Declaration is the complete transcript of the July 7, 2023 deposition of Jeffrey Johnson in the Estate of Alvin Cole case.
9. Attached hereto and incorporated herein as **Exhibit 21** to this Declaration is the complete transcript of the June 27, 2023 deposition of Evan Olson in the Estate of Alvin Cole case.

consolidated under one matter 21-CV-848. Plaintiff may make reference to earlier exhibits referred to in the docket by exhibit number.

10. Attached hereto and incorporated herein as **Exhibit 22** to this Declaration is the complete transcript of the June 27, 2023 deposition of David Shamsi in the Estate of Alvin Cole case.

11. Attached hereto and incorporated herein as **Exhibit 23** to this Declaration is the complete transcript of the May 23, 2023 deposition of Joseph Roy in the Estate of Alvin Cole case.

12. Attached hereto and incorporated herein as **Exhibit 24** to this Declaration is the complete transcript of the July 21, 2023 deposition of Luke O'Day in the Estate of Alvin Cole case.

13. Attached hereto and incorporated herein as **Exhibit 25** to this Declaration is the complete transcript of the December 12, 2022 deposition of James Mastrocola.

14. Attached hereto and incorporated herein as **Exhibit 26** to this Declaration are internal Wauwatosa Police Department emails voluntarily produced to Defendants on January 15, 2023, related to Mensah's return to duty.

15. Attached hereto and incorporated herein as **Exhibit 27** to this Declaration are internal Wauwatosa Police Department emails voluntarily produced to Defendants on January 15, 2023, related to Mensah's return to duty.

16. Attached hereto and incorporated herein as **Exhibit 28** to this Declaration is the Milwaukee Police Department Autopsy Report, dated February 2, 2022.

17. Attached hereto and incorporated herein as **Exhibit 29** to this

Declaration is Alvin Cole's First Set of Written Discovery, produced by Defendants on December 21, 2022.

18. Attached hereto and incorporated herein as **Exhibit 30** to this Declaration is the partial transcript of the May 13, 2021 deposition of Barry Weber in the *Knowlton et al* matter 20CV1660.

19. Attached hereto and incorporated herein as **Exhibit 31** to this Declaration is the transcript of Barry Weber taken on June 6, 2023.

20. Attached hereto and incorporated herein as **Exhibit 32** to this Declaration is the partial transcript of the May 4, 2021 testimony of Barry Weber in the *John Doe* proceedings, 20JD15.

21. Attached hereto and incorporated herein as **Exhibit 33** are emails voluntarily produced from Plaintiffs to Defendants on January 15, 2023.

22. Attached hereto and incorporated herein as **Exhibit 34** WPD 2020 Annual Report pg. 50 as labeled DEF 002014.

23. Defendants failed to file an answer or otherwise plead 14 days after the Court's ruling on their motion to dismiss, or by April 25, 2023. The Defendants never requested an extension or communicated an intent to file an answer.

24. A full and accurate copy of the Shamsi's Squad footage from the February 2, 2020, shooting is on a flash drive and will be mailed to the Courthouse.

Executed this 22nd day of August 2023.

s/ Kimberley Cy. Motley
Kimberley Cy. Motley